

Minutes
Agricultural & Natural Resources Advisory Committee
Thursday, September 12, 2013, at 9:00 am
Charlotte County Administrative Center
18500 Murdock Circle, Room #B-207
Port Charlotte, FL 33948-1094

MEMBERS PRESENT

Andy Dodd, Chairman
Orrin Webb, Secretary
Chris Hencher
Matthew Sullivan, Jr.
Steve Smith

MEMBERS EXCUSED

Wes Brumback, Vice Chairman

MEMBERS ABSENT

Dan Ryals
Lindsey Harrington

GUEST

Dave Brumbaugh, SWFWMD
Barbara Carlton
Andy Neuhofer
Nigel Morris

STAFF

Matt Trepal, Staff Liaison
Gayle Moore, Recording Secretary

CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM

The **September 12, 2013**, meeting of the ***Agricultural and Natural Resources Advisory Committee*** was called to order at 9:15 a.m. by ***Chairman Dodd*** who noted that there was a quorum present.

ADDITIONS/DELETIONS TO AGENDA

None.

APPROVAL OF MINUTES

Chairman Dodd asked to have the minutes approved; ***Mr. Sullivan*** moved approval of the minutes of the July 11, 2013 meeting, second by ***Mr. Webb***. The motion carried with a unanimous vote.

COMMISSIONER COMMENTS

Commissioner Duffy deferred her comments to the end of the meeting.

NEW BUSINESS

❖ ***Animal Control***

Chairman Dodd raised the subject of Mr. McQueen's issues, and ***Mr. McQueen*** addressed the group on his issue with Animal Control tactics; ***Commissioner Duffy*** asked for a quick

summary of this issue, which he provided. (See the attached letter from Mr. McQueen for complete details.) He concluded by indicating the animal cruelty charges against him had been dismissed since the original incident; he indicated his frustration with the process. **Mr. Brumbaugh** of SWFWMD asked if Mr. McQueen knew who had called in the initial report to Animal Control; **Mr. McQueen** said the report referenced someone named "Jimmy" with no other information included. Other details of the incident were discussed. **Commissioner Duffy** said that while she knew the Director of Animal Control to be a very reasonable person, the incident was troubling and since she would be meeting with Administration later today, she would see that it was discussed. **Chairman Dodd** mentioned an incident regarding chickens being reported, but **Commissioner Duffy** noted that would have been a Code Compliance matter, as opposed to Animal Control. **Chairman Dodd** noted that our Animal Control law reflects State law, and that the County is basically enforcing on behalf of the State. **Mr. Webb** suggested that copies of the Best Management Practices for the cattle industry should be available to both the farm owners and Animal Control, so that Animal Control could have reference to the industry guidelines. **Mr. Webb** also noted that there is currently a program being developed with the Sheriff's Office to better contact people when there is any question about animal welfare issues. **Chairman Dodd** had some additional details about this program also. **Mr. McQueen** said he would not volunteer to be involved in such a situation in the future, because of the liability it exposed him to. Further discussion ensued on the matter, including questions of liability should County personnel be injured on the property. **Mr. Webb** said he will take the matter to the Cattlemen's Association; **Mr. McQueen** indicated he had already sent them a copy of his letter.

OLD BUSINESS

❖ ***Proposed Article XXIII Excavation and Earthmoving***

Chairman Dodd next spoke about the Commission action on the exemption to be awarded to Lady Moon Farm, where no dirt can leave the site; writing of the rest of the ordinance is still in process and it will be adopted along with the rest of the ULDC in time. **Commissioner Duffy** expressed her disappointment with the dirt part; it was noted that this was apparently of particular importance to Commissioner Constance. The hardship of stockpiling the dirt when there wasn't adequate space to store it was also discussed.

❖ ***Floodplain Ordinance***

Chairman Dodd indicated the newest developments, referencing the Resolution and Ordinance from Hardee County, and spoke about the details incorporated into these new legislative initiatives. Some discussion of the hand-out materials was made, led by **Mr. Neuhofer** who felt it was reasonable for the time being, and said that the Farm Bureau recommends counties adopt it. **Chairman Dodd** entertained a motion to recommend to the Commissioners to approve a resolution related to this, to run concurrently with adoption of the Ordinance; **Mr. Sullivan** moved, second by **Mr. Smith**, carried by a unanimous vote. **Chairman Dodd** indicated he would draft a letter to the Commission; Commissioner Duffy offered to help in any way she could.

❖ ***Unified Land Development Code***

Chairman Dodd asked Mr. Trepal to update the group on this matter. **Mr. Trepal** noted that draft has been released for public comment and there have been a couple of public meetings since the last ANRAC; the meetings are now all in roundtable format. The schedule of meetings has taken precedence over actually digesting and incorporating the comments so far. He noted that Chairman Dodd had asked him to speak specifically on those items that would be affecting AG concerns; he mentioned the Agricultural Estates zoning and how that is being split because of different conditions within and outside of the Urban Service Area (USA). Ag Estates will be

straight AG outside the USA; inside the USA, it will become RE-5 (Residential Estates). This might limit some uses, but existing AG would be grandfathered, it would just be new AG that could not be established. Next **Mr. Trepal** mentioned progress regarding the Excavation / Earthmoving portions of the Code and made general comments about taking whatever is created and dropping it into the Code. **Commissioner Duffy** asking about changes since last presentation but **Mr. Trepal**, noting that the work is being done by others, said he doesn't know those details and is just addressing how it will be incorporated into the overall Code such that nothing would be changed at that point. The same applies to Floodplain Management; whatever version is being adopted under some separate initiative will just be incorporated into the overall Code; also the same with the Surface Water and Wetland Protection section, where standards are being increased. **Mr. Trepal** talked about the buffer which is 15 feet now and for most uses will be going to 25 feet; it gets larger for uses involving hazardous substances (200 feet.) This concerns substances which are clearly detrimental to the waterbodies. **Mr. Trepal** concluded by offering to take any questions.

Chairman Dodd called for questions; there being none offered, he noted that he has questions of his own, e.g., regarding the conservation subdivision restrictions, specifically with regard to limitations on set-aside acreage being used for commercial ag (no more than 50% of set-aside acreage.) **Chairman Dodd** felt that was ridiculous, pointing out that running cows in the swamp woods is commercial ag, and these areas viewed as habitat preservation can handle some type of cow rotation, so definitions of activity need to be examined.

Chairman Dodd also commented that the commercial use designation and how it relates to assessed value in taxes is a concern, noting that if you have a recorded conservation easement as Babcock does, they'll take your assessed value and cut it in half. If you are using it for commercial use, they'll cut you to 50%; if you have no commercial use of it, they'll eliminate your assessed value. He stated that only Babcock in Charlotte County has gone in for the 50% assessment adjustment.

With regard to "conditional use" in the Residential Estates, **Chairman Dodd** indicated he found the "animal units" amusing; he noted that these restrictions don't affect any AG people. **Mr. Trepal** pointed out that this is in response to such things as puppy mills in a garage or large amounts of birds, noting that this initiative is in reaction to conditions on the ground and based on complaints from neighbors.

Mr. Neuhofer asked for thoughts on the buffer increase. **Chairman Dodd** commented that the Prairie / Shell Creek Protection area is BMP-based, but also limits the production, manufacture, creation or transmission of hazardous materials which is apparently aimed at petroleum production; he said he didn't know that this would affect any Board members and asked if anyone had desire to do any type of petroleum processing. There are also limits on production and storage of more than 250 gallons of biofuels; again, the question is whether this would actually affect any of the Board's membership. Next discussed by **Chairman Dodd** was the setbacks issue, which for Level II is a half-mile setback off all creeks; within this setback BMP are required to be used, density cannot be increased, etc. Level III is defined as being in the immediate area of the creek and is consistent with previous limitations such not having a septic tank within 200 feet of a creek; however, this also says you can't use household chemicals or pesticides in that area. **Chairman Dodd** said he believes this includes restrictions on e.g., using bug spray in a boat, which would amount to micromanaging. Also questioned were restrictions against hardening of shorelines, since other valid interests may require hardening, so this could lead to a conflict. **Chairman Dodd** said he would continue to work on it.

Mr. Morris made the comment, "Who puts you planners up to this stuff?" **Chairman Dodd** responded, commenting on the Comprehensive Plan origin of most of these standards; he said that sometimes he feels the interpretations become a bit aggressive. He also mentioned, with regard to receiving zones for density units, the proposed requirement for a 200-foot setback from any wetland on a property that accepts density, that would end up preserving another property, asking where does that come from? Upon reviewing the language, it appeared not as restrictive as first remembered, e.g., it is a 100-foot buffer around any environmental resource.

Further discussion ensued on the TDU issues and the notion of creating incentives for bona fide AG to put land in conservation and sell density. **Commissioner Duffy** asked **Mr. Trepal** why our buffering requirement is so high compared to that imposed by SWFWMD (100 vs. 15 feet); he said that he doesn't recall any internal discussion about it, but that if SWFWMD has other standards, those can be incorporated, since staff is not trying to de-incentivize it. Further discussion also ensued the Comp Plan issues driving this, and the possibility of future Comp Plan changes.

Commissioner Duffy discussed how internet comments from environmentalists are driving changes and making suggestions that get adopted; her example was the issue of depth of ponds for excavations. **Chairman Dodd** suggested that these same folks want us to adopt the Lee County Deep Water Excavation Code; he said that he thinks the standards should be driven by the Water Management District. Further discussion ensued.

The Recording Secretary offered some thoughts about the process and a call for more comments on the Zoning Code, to come to the designated email address provided online, observing that there has been a notable lack of input from the citizenry to date. **Chairman Dodd** complimented the staff effort and Mr. Trepal's in particular, in opening up the process and reaching out to the stakeholders.

CORRESPONDENCE AND COMMUNICATIONS

Mr. McQueen's letter (already addressed.)

PUBLIC COMMENTS

Mr. Nigel Morris: his message was for the Committee to keep up the good work and stay vigilant. He also commented on the change from Agricultural Estates to Residential Estates zoning, saying that he lives in Charlotte Ranchettes and doesn't like to see AG opportunities disappearing. Further discussion ensued with **Mr. Trepal** speaking on the various designations, how the process works, and what is actually affected; **Mr. Morris** contended that the changes would prevent growing crops for sale and he's against that. **Chairman Dodd** promised to look into that, mentioning all the things that can be done in AG, and things that can be allowed on the decision of the Zoning Official.

Commissioner Duffy said she can't understand why ag, which is a business, is being restricted in residential areas. Chairman Dodd responded that he could understand a restriction on, e.g., having five sows on your property, but said he believed you would be precluded from having breeding stock, e.g., a show cow, whereas you could have a horse. **Commissioner Duffy** asked who counts the animals; **Chairman Dodd** pointed out that it's based on neighbor complaints. **Mr. Trepal** brought in and discussed the USE Table; it was noted that most of these items are now permitted under a Special Exception. **Mr. Morris** said that he wants an exception for crop production in Residential Estates.

Mr. Sullivan asked how the discussion on the depth of ponds had turned out and further discussion ensued on this subject. **Commissioner Duffy** asked how you know how deep you've

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gone; **Mr. Morris** commented in response, describing borings which identify where the confining layer is. **Commission Duffy** expressed concern over diminishing property rights.

STAFF COMMENTS

None.

GUEST COMMENTS

Ms. Carleton discussed upcoming events and an opening on the SWFWMD Governing Board for Charlotte/Sarasota, and emphasized the need for AG involvement on the Board. She also noted that Oct. 11th will be the crop estimate announcement this year. **Mr. Sullivan** asked about the requirements for the Governing Board seat; **Ms. Carleton** noted that it involves both financial disclosure and a big time commitment, even though it only meets one day a month. Most members indicated they had no interest or were not county residents.

Mr. Brumbaugh with the FARMS program noted that this is his first meeting, he will be standing in for the previous representative. He indicated he was involved in the Mini-FARMS and backplug programs. Responding to Commissioner Duffy, he described the Mini-FARMS program.

FUTURE MEETING TOPICS

The ULDC will continue to be discussed; the floodplain matter seems settled.

Mr. Brumbaugh asked for clarification that this body was recommending adoption of the Hardee Co. RES/ORD on Floodplain; Chairman Dodd confirmed that. Further discussion ensued on this topic.

Mr. Sullivan asked how the matter was left with John McQueen on his Animal Control issue; he asked for further comments by **Commissioner Duffy** regarding next steps; she indicated she wants to move forward today with Administration. She said she will report and it will be discussed again at the next meeting.

NEXT MEETING

❖ *November 14, 2013 at 9:00 a.m. in Room B-207*

ADJOURNMENT

The meeting was adjourned at 10:16 a.m. as moved by **Mr. Hencher** and seconded by **Mr. Webb**.

**To be approved by the Committee on:
November 14, 2013**

**Approved by the Committee on
November 14, 2013 and accepted by
the Secretary:**
